

## § 7.2

capture, of an escaped Federal prisoner, in accordance with the conditions stated in this part.

### § 7.2 Amount of reward.

Within the discretion of the Warden or U.S. Marshal concerned, a reward not in excess of \$200 may be granted for each capture of a prisoner and to more than one claimant, as determined applicable and appropriate. The Director of the Bureau of Prisons may in exceptional circumstances, as determined by him, grant rewards in excess of \$200. Bodily harm, damage, violence, intimidation, terrorizing, risks, etc., will be considered in determining the appropriate amount of reward.

### § 7.3 Eligibility for reward.

A reward may be paid to any person, except an official or employee of the Department of Justice or a law-enforcement officer of the U.S. Government, who personally captures and surrenders an escaped Federal prisoner to proper officials, or who assists in the capture, of an escaped Federal prisoner.

### § 7.4 Procedure for claiming reward.

A person claiming a reward under this part shall present his claim, within six months from the date of the capture, in the form of a letter to the Warden or U.S. Marshal concerned. The letter shall state fully the facts and circumstances on which the claim is based, and shall include the name of each escapee captured and the time and place of the capture, and details as to how the arrest was made by the claimant or as to how assistance was rendered to others who made the arrest.

### § 7.5 Certification.

The claim letter required under § 7.4 shall contain the following certification immediately preceding the signature of the claimant:

I am not an officer or employee of the Department of Justice or a law-enforcement officer of the United States Government.

## 28 CFR Ch. I (7-1-00 Edition)

## PART 8—FBI FORFEITURE AUTHORITY FOR CERTAIN STATUTES

### Sec.

- 8.1 Definition.
- 8.2 Designation of officials having seizure authority.
- 8.3 Designation of the investigative bureau having administrative forfeiture authority; claims for awards, offers in compromise and matters relating to bonds.
- 8.4 Custody of seized property, inventory and receipt.
- 8.5 Appraisal of property subject to forfeiture.
- 8.6 Quick-release authority.
- 8.7 Judicial forfeiture.
- 8.8 Advertisement and declaration of forfeiture.
- 8.9 Disposition of forfeited property.
- 8.10 Remission or mitigation of forfeiture.

AUTHORITY: 5 U.S.C. 301; 28 U.S.C. 509, 510.

SOURCE: Order No. 1128-86, 51 FR 8818, Mar. 14, 1986, unless otherwise noted.

### § 8.1 Definition.

For the purpose of this part, the term *statutes* shall include the following statutes unless otherwise noted in this part: Interstate and Foreign Commerce—Gambling Devices—Transportation Prohibited, Jan. 2, 1951, ch. 1194 section 7, 64 Stat. 1135 (codified at 18 U.S.C. 1177, commonly referred to as Transportation of Gambling Devices); Organized Crime Control Act of 1970, Public Law 91-452, title VIII, part C, section 803(a), 84 Stat. 937 (1970) (codified at 18 U.S.C. 1955, commonly referred to as Illegal Gambling Businesses); Copyrights Act, Public Law 94-553, title I, section 101, 90 Stat. 2768 (1976) (codified at 17 U.S.C. 509); Motor Vehicle Theft Law Enforcement Act of 1984, Public Law 98-547, title II, section 201, 98 Stat. 2754 (1984) (codified at 18 U.S.C. 512); Crimes and Criminal Procedure, June 25, 1948, ch. 645, section 1, 62 Stat. 786 (codified at 18 U.S.C. 1762, commonly referred to as Prison-Made Goods); Child Protection Act of 1984, Public Law 98-292, section 6, 98 Stat. 205 (1984) (codified at 18 U.S.C. 2254); Omnibus Crime Control and Safe Streets Act of 1968, Public Law 90-351, title III, section 802, 82 Stat. 215 (1968) (codified at 18 U.S.C. 2513, commonly

## Department of Justice

## § 8.7

referred to as Wire Interception and Interception of Oral Communications); Seizure of Arms and Other Articles Intended for Export, June 15, 1917, ch. 30, title VI section 1, 40 Stat. 223; June 17, 1930, ch. 497, title IV, 523, 46 Stat. 740; Aug. 13, 1953, ch. 434, section 1, 67 Stat. 577 (codified at 22 U.S.C. 401, commonly referred to as Illegal Exportation of War Materials) ; Anti-Drug Abuse Act of 1986, Public Law 99-570, sec. 1351-1367 (1986) (codified at 18 U.S.C. 981, commonly referred to as Money Laundering Control Act of 1986).

[Order No. 1128-86, 51 FR 8818, Mar. 14, 1986, as amended by Order No. 1197-87, 52 FR 24448, July 1, 1987]

### § 8.2 Designation of officials having seizure authority.

The Director, Associate Director, Assistants to the Director, Assistant Directors, inspectors, and Agents of the Federal Bureau of Investigation are authorized to seize such property as may be subject to seizure pursuant to statutes identified in § 8.1.

### § 8.3 Designation of the investigative bureau having administrative forfeiture authority; claims for awards, offers in compromise and matters relating to bonds.

The Federal Bureau of Investigation is, in accordance with the statutes identified in § 8.1, authorized and designated as the investigative bureau to perform various duties with respect to forfeiture which are comparable to the duties performed by collectors of customs or other persons with respect to the seizure and forfeiture of vessels, vehicles, merchandise, and baggage under the customs' laws. The Director of the Federal Bureau of Investigation or his designee is designated as the officer authorized to take final action under these statutes on claims for award of compensation to informers, offers in compromise, and matters relating to bonds or other security.

### § 8.4 Custody of seized property, inventory and receipt.

All property seized pursuant to the statutes identified in § 8.1 shall be turned over to the U.S. Marshals Service when not held as evidence or to be placed into official use following for-

feiture. An inventory shall be prepared by the Federal Bureau of Investigation of the seized property and a receipt given for it to the person from whom it was seized at the time of seizure or as soon thereafter as practical.

### § 8.5 Appraisement of property subject to forfeiture.

Seized property shall be appraised. The appraisement shall be the function of the Special Agent in Charge, Federal Bureau of Investigation or his designee having custody of the property. The value of an article seized shall be the price at which it or a similar article is fairly offered for sale at the time and place of appraisement.

### § 8.6 Quick-release authority.

Where the forfeiture proceedings are administrative, the Special Agent in Charge, prior to forfeiture, is authorized to release property seized for forfeiture. The property can be quick-released when the Special Agent in Charge deems that there is an innocent owner having an immediate right to possession of the property or when the release would be in the best interest of justice and the Government.

### § 8.7 Judicial forfeiture.

If the appraised value exceeds the monetary amount set forth in title 19, United States Code, section 1607, or a claim and satisfactory bond have been received either for property appraised at that amount or less, or for seized merchandise which is any monetary instrument within the meaning of section 5312(a)(3) of title 31 of the United States Code, the Special Agent in Charge of the FBI field office that seized the property shall transmit the claim and bond to the U.S. Attorney for the judicial district in which the seizure was made for the purpose of instituting judicial forfeiture proceedings. Also transmitted with the claim and bond will be a description of the property and a complete statement of the facts and circumstances leading to the seizure of the property.

[Order No. 1476-91, 56 FR 8685, Mar. 1, 1991]